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Signature: *David H. Allen* Date: 1/29/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Yaszemski *et al.*

Application No.: 10/562,777

Filed: July 7, 2006

For: SELF-CROSSLINKABLE POLY(CAPROLACTONE FUMARATE)

Confirmation No.: 4282

Group Art Unit: 1796

Examiner: Gregory Listvoyb

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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REMARKS

Applicants respectfully submit the attached listing of references on Form PTO/SB/08a&b as an Information Disclosure Statement ("IDS") for consideration by the Office during the pendency of the above-referenced application pursuant to 37 CFR 1.97 and in compliance with 37 CFR 1.98. This IDS is submitted to comply with 1.97(d) for consideration by the Office since it is being filed by the

applicant after the period specified in paragraph (c) of this section, but on or before payment of the issue fee and is accompanied by: (1) the statement specified in paragraph (e) of this section; and (2) the fee set forth in §1.17(p).

As set forth in 37 CFR 1.97(e)(2), Applicants' statement under this section states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Applicants further submit that pursuant to 37 CFR 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).


Pursuant to 37 CFR 1.98 (3)(i), Applicants submit this concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information, of each patent:

- U.S. Patent 7,189,413 B2 to Calias et al. issued March 13, 2007

("Calias") states in column 3 lines, lines 50-58:

A variety of molecular weights in polycaprolactones is commercially available from Union Carbide Corporation under the Tone brand name. For example, lower molecular weight polycaprolactones are available as Tone Polyols, while higher molecular weight polycaprolactones are available as Tone PCL-300, Tone PCL-700 and PCL767E which have weight average molecular weights of 15,000, 40,000 and 76,000 respectively, as reported by the manufacturer.

Dated: January 29, 2009


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